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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,160	11/27/2006	Erwin Pristner	F-8848	3168
28107	7590	06/15/2009	EXAMINER	
JORDAN AND HAMBURG LLP 122 EAST 42ND STREET SUITE 4000 NEW YORK, NY 10168			AKANBI, ISIAKA O	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/551,160	PRISTNER, ERWIN
	Examiner ISIAKA O. AKANBI	Art Unit 2886

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 27 November 2006.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 33-52 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 33-52 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 28 September 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 28 September 2005

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Preliminary Amendment***

The preliminary amendment filed on 01 March 2007 has been entered into this application. Claims 1-32 are cancelled. Claims 33-52 have been added.

### ***Information Disclosure Statement***

The information disclosure statement filed on 28 September 2005 has been entered and considered by the examiner.

### ***Drawings***

The drawings filed on 28 September 2005, has been accepted for examination.

### ***Claim Objections***

Claim 36-38 is objected to because the claim recites the limitation "said support frame" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim. Additionally, claims 42, 46, 47, 48, 49, 50 and 51 are objected to for the same reason. For examination purposes the examiner has assumed that claims depend on claim 33. Appropriate correction is required.

Claim 52 is objected to because the claim depends on a cancelled/unnamed claim 1a. For examination purposes the examiner has assumed that claim 52 depend on claim 33. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 33-52 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Kodama et al. (5,844,801) in view of Karlsson (3,968,559).**

Regarding claims 33 and 52, Kodama discloses an apparatus for recording, measuring, and documenting damages to an object having a painted surface, comprising:

a support frame (fig. 6: 100, 108, 110a, 110b and 114) in which the object is receivable, said support frame including guide rails (fig. 6: 114);

a focused light source (figs. 6 and 7: 118) for illuminating the surface (figs. 6 and 7: 16, the outer face, outside, or exterior boundary of the vehicle; outermost or uppermost layer or area) with a light beam (figs. 6 and 7: B), said light source being mounted on said support frame (fig. 6: 100, 108, 110a, 110b and 114) such that said light source (figs. 6 and 7: 118) is displaceable along said guide rails and pivotable at least one of horizontally or vertically (col. 7, lines 59-col. 8, line 16);

Kodama also discloses in another embodiment a screen (fig. 19: 152) for forming an image of the surface (figs. 6, 7 and 19: 16) by the light beam reflected by the surface (col. 11, lines 1-9), said screen is capable of being mounted on said support frame such that said screen is displaceable along said guide rails (fig. 6: 114) and is pivotable (col. 7, lines 59-col. 8, line 16);

a recording device (figs. 6, 7 and 19: 120 and 154) for recording the images (fig. 17);

a measurement table (**fig. 6: 108**) to which the object (**figs. 6, 7 and 19: 16**) is anchorable (i.e. thing that can be relied on for support, or stability),  
a processor unit (**fig. 6: 108**) for correlating and coordinating movements (i.e.  $\Delta X$ ,  $\Delta Y$ ,  $\Delta Z$ ) of the light source (**figs. 6 and 7: 118**), the screen (**fig. 19: 152**), and the object (**figs. 6, 7 and 9: 16**)**(col. 8, lines 39-48)**;  
an evaluation and signal processing device (**fig. 6: 104**) for creating results by processing and evaluating the images recorded (**col. 7, lines 51-58**)**(col. 8, lines 43-48)**; and  
at least one of a display (**fig. 6: 103**) or an output device for displaying and/or outputting the results **(col. 7, lines 44-45)****(col. 10, line 48-51 and lines 60-62)**.

Kodama is silent regarding to the measurement table being rotatable about a longitudinal axis.

However, the uses of a rotatable measuring table is common and known in the art, and the feature is also a conventional measure in the field of the motor vehicle production company/industry, as evidenced by Karlsson (**fig. 2**)**(col. 3, lines 62-col. 4, line 2)**.

Therefore it would have been obvious to one having ordinary skill in the art at the time of invention to modify Kodama by using a rotatable measuring table in order to achieve the predictable result of allowing each position of the painted surface or the entire surface of said object to be brought into a reflection position with respect to said light source and said screen for accurate surface distortion inspection.

As to claim 34, Kodama also discloses wherein said object is a vehicle (**fig. 1**) comprising body parts (**fig. 1: 16**)(i.e. door panels, a roof panel, an engine hood panel, and a trunk lid panel)(**col. 5, lines 18-23**).

As to claim 35, Kodama discloses a system which is inspecting, repairing the vehicle body (**figs. 6, 7 and 19: 16**)(i.e. outer panels) and determining the range of distortion thereof. Based on the produced degree and range of distortion, it is determined whether the outer panels suffer a surface distortion/**depressions (see abstract)** (**col. 5, lines 18-23**), and thus meet the limitation wherein said damages include depressions caused by sudden events.

As to claims 36-39, Kodama further discloses a support frame (**fig. 6: 100, 108, 110a, 110b and 114**) which includes horizontal or vertical braces/guide rails (**fig. 6: 114**), said braces of said support frame are embodied such that they can be lockably assembled (**fig. 6**); and said support frame is a container support frame including side walls and end walls which are pivotable (**a short rod or shaft on which a related part rotates or swings; a thing on which something depends or turns**) about said horizontal or vertical braces thereby defining a support frame that is open on the end walls and side walls for accommodating and scanning said vehicle (**figs. 6, 7 and 19: 16**)(**col. 7, lines 59-col. 8, line 26**); and further Kodama shows in (figs. 1 and 6) limitation such as, wherein said support frame (**fig. 6: 100, 108, 110a, 110b and 114**) further includes an operator space (**figs. 1 and 6: 10/22 and 102**) separated off from said support frame in which said evaluation and signal processing unit (**figs. 1 and 6: 10/22 and 102**)

**42/44 and 104), said display (figs. 1 and 6: 48 and 103), and said processor unit are located.**

With respect to claims 40, 41 and 52, Kodama shows a communications and operator space (**figs. 1 and 6: 10/22 and 102**) which is separated off from said support frame in which said evaluation and signal processing unit (**figs. 1 and 6: 42/44 and 104), said display (figs. 1 and 6: 48 and 103), and said processor unit are located (col. 3, lines 20-30**), which is insulation/insulated, and meet the limitation such as, said communications and operator space is heat- and sound-insulated (insulated=to separate with a material that prevents or reduces the passage, transfer, or leakage of heat, electricity, or sound; To prevent the passage of heat, electricity, or sound into or out of, especially by surrounding with a nonconducting material).

As to claims 42-43, Kodama also discloses a support frame which is part of a mobile vehicle that includes a truck (**fig. 1: 16**)(i.e. **door panels, a roof panel, an engine hood panel, and a trunk lid panel**)(**col. 5, lines 18-23**).

As to claims 44-45, Kodama also discloses light source that is a laser light (i.e. semiconductor laser) (**figs. 6 and 7: B**)(**col. 8, lines 7-16**).

As to claims 46-48, Kodama also discloses a screen (**fig. 19: 152**) that is self-reflecting projection wall and is an electro-optical receiver which includes a diode array/**reversing light or output/reflected light from the screen** (**col. 11, lines 1-9**).

As to claims 49-51, Kodama also discloses a system that is based on scanning an object surface (**figs. 6, 7 and 19: 16**) with light (**figs. 6, 7 and 19: 16**)(**col. 7, lines 59-col. 8, line 26**) which includes a deflector (**fig. 19: 152**), and a photographic camera,

a digital camera (**col. 5, lines 34-55**), and thus meet the limitations such as, wherein: the light scans said surface to be scanned in lines; and an advance when the light beam is displaced is smaller than a light beam diameter; wherein the reflected light beams are deflectable directly onto said screen with simultaneous enlargement of the image scale of said surface; and wherein said recording device for recording the surface image includes a photographic camera, a digital camera.

#### **Additional Prior Art**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references listed in the attached form PTO-892 teach of other prior art apparatus for recording, measuring, and documenting damages to an object having a painted surface.

#### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isiaka Akanbi whose telephone number is (571) 272-8658. The examiner can normally be reached on 8:00 a.m. - 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tarifur R. Chowdhury can be reached on (571) 272-2287. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Isiaka Akanbi/

June 8, 2009

/TARIFUR R CHOWDHURY/

Supervisory Patent Examiner, Art Unit 2886